

IN THE UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	No. 3:06-CR-73
	)	(PHILLIPS/SHIRLEY)
V.	)	
	)	
LAWANNA BROCK,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. Defendant has submitted a Motion to Withdraw Pleadings [Doc. 35] in which she moves the Court for leave to withdraw the following pleadings: Motion to Suppress [Doc. 13]; Memorandum in Support of Motion to Suppress [Doc. 14]; Motion for Bill of Particulars [Doc. 15]; Memorandum in Support of Motion for Bill of Particulars [Doc. 16]; Motion for Advanced Disclosure of 404(b) Evidence [Doc. 17]; and Memorandum in Support of Motion for Advanced Disclosure of 404(b) Evidence [Doc. 18], all filed on September 1, 2006. The Government has submitted a response [Doc.36], filed October 17, 2006, in opposition to Defendant's Motion.

Defendant argues that, in light of the five new counts and the additional defendant added in the Superseding Indictment [Doc. 23], the best course of action would be for Defendant to withdraw her previous motions and file new ones. Defendant contends that, by doing so, confusion will be avoided.

The Government argues that the withdrawal of Defendant's motions will only create

confusion and delay, not avoid it. The Government contends that, unless Defendant wishes to abandon her motions, that the filing of new motions would only create unnecessary delay, work, and expense.

The Court notes that neither party identifies what confusion will be created or avoided by the withdrawal of Defendant's motions. The Court further notes that the motion deadline in this case is set for October 20, 2006, the response deadline is set for November 3, 2006, and the pretrial conference is set for November 13, 2006. In light of these deadlines, the Court can not see how allowing Defendant to withdraw his motions and file new motions will create either confusion or delay, as the deadlines have not yet run, nor has there been any intimation that either party will ask that the deadlines be extended. Accordingly, Defendant's Motion to Withdraw Pleadings [**Doc. 35**] is hereby **GRANTED** and Defendant's motions [**Docs. 13, 15, 17**] are **DENIED as moot**. Both parties have until October 20, 2006, to file motions, and until November 3, 2006, to respond to any motions filed by the opposing party.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge